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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,896	12/17/2001	Herbert Breinich	2000P80206 US	1969

7590 11/06/2002
Martin A. Farber
Suite 473
866 United Nations Plaza
New York, NY 10017

EXAMINER

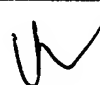
HOOLAHAN, AMANDA J

ART UNIT PAPER NUMBER

2859

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,896	Applicant(s) BREINICH ET AL. 	
	Examiner Amanda J Hoolahan	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- AJL*
- 1) ☒ Responsive to communication(s) filed on 12/17/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 9-15 and 17-20 are rejected under 35 U.S.C. 102(b) as being unpatentable by USPN 4,380,043 to Takamatsu et al. [hereinafter Takamatsu].

Numerals A, B, and C have been added to Figure 1 and numeral D to Figure 2 by the examiner in reference to a certain component of the invention disclosed by Takamatsu. See copy attached at the end of this action.

Takamatsu discloses a display instrument comprising at least two illuminated pointers (33, 34) which are located one on top of the other, each composed of a head and a pointer lug and rotatable independently of one another about a common display axis, the illuminated pointers being composed of a light-guiding material and each having a light entry face and light injected there exiting on a side of the pointer lugs facing the viewer, wherein for at least two of the illuminated pointers (33, 34) there is a common light source (23), and light is fed to the illuminated pointers via a light splitter (D); a drive shaft (30) of one of the pointers serves as a light guide and a portion of the drive shaft is embodied as the light splitter; the light splitter (D) is plugged together with a main part of the drive shaft (30); in the light splitter (D), one portion of the light exits in a direction of an axis of rotation and a further portion exits perpendicular thereto(see Figure 1); an upper illuminated pointers (34) has the light entry face (B) which picks

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up the light exiting in the axial direction, said upper illuminated pointer (34) being plugged onto the light splitter; a lower of illuminated pointers (33) has the light entry face (C) which picks up laterally exiting light; a head (33a) of the lower illuminated pointer (33) surrounds the light splitter (A) in an annular shape and the light entry face (C) is embodied on an inner generated surface in the head; in the light splitter (A), one portion of the light exits in a direction of an axis of rotation and a further portion exits perpendicular thereto.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takamatsu in view of USPN 6,224,221 to Glienicke.

Numeral A has been added to Figure 1 by the examiner in reference to a certain component of the invention disclosed by Takamatsu. See copy attached at the end of this action.

Takamatsu discloses the display instrument as described above in paragraph 2.

Takamatsu does not disclose the light splitter to have a frustum-shaped coaxial depression, a generated surface of frustum serving as a reflection face for laterally exiting light and a base face serving as an exit face for axially exiting light.

Glienicke discloses an illuminated device comprising a frustum-shaped coaxial depression (13), a generated surface of frustum (15) serving as a reflection face for laterally exiting light and a base face (A) for axially exiting light. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the light splitter, as taught by Takamatsu, with the frustum-shaped coaxial depression, as taught by Glienicke, in order to more directly reflect the light to each of the respective pointers.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,032,608 to Oreans et al., USPN 6,408,784 to Ross, USPN 6,314,908 to Olbrich et al., and USPN 6,082,288 to Kato et al. disclose display instruments comprising a light source, an illumination pointer, and a reflection surface. USPN 5,319,527 to Murphy et al., USPN 6,470,822 to Adams et al., USPN 6,178,917 to Jansa, USPN 6,234,106 to Dohnal et al., and USPN 2,536,557 to Levesque disclose display instruments comprising a light source, more than one illumination pointer, and a reflection surface.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda J Hoolahan whose telephone number is (703) 305-0139. The examiner can normally be reached on Monday through Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ajh
November 4, 2002



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800